IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 6985 (SS) of 2001
(Old No. 1175/93)

Bhim Singh
S/o Sri Moti Singh,
R/o District Cooperative Bank
Branch Gaja, Post Office – Gaja,
District – Tehri Garhwal. **.....Petitioner.**

Versus

1 Secretary / General Manager District Cooperative Bank Limited, Tehri, District – Tehri Garhwal.

2. District Magistrate / Administrator, District Cooperative Bank Limited, Tehri, District – Tehri Garhwal.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Ravi Babulkar, holding brief of Sri Tumul Nailwal, learned counsel for the petitioner and Sri N. P. Shah, learned Standing Counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the impugned order dated 14.10.1992 passed by respondent no. 1 by which petitioner has been asked to perform the duty of Class III along with his post of Class IV. Petitioner was initially appointed on Class IV post, thereafter, he was temporarily promoted to Class III post for a period of six months. After expiry of six months petitioner was reverted to the post of Class IV post. I do not find any illegality in the order impugned.

The second prayer of the petitioner is to issue a writ in the nature of Mandamus commanding the respondents to regularize the services of the petitioner on the post of Assistant

Cashier. This prayer cannot be granted in view of the judgement passed Hon'ble Supreme Court in Secretary, State of Karnataka Vs. Uma Devi reported in 2006 (4) SCC 1.

Learned counsel for the petitioner has submitted that petitioner, who has completed 24 years of services, is qualified and eligible to be promoted on the Class III post under 25% quote and Class III posts are vacant in the respondent bank.

In case, posts are vacant under 25% quota in the department, which is to be filled by way of promotion from amongst Class IV employees and petitioner is fully qualified for promotion the respondents may consider the case of the petitioner for promotion to Class III post in accordance with rules.

With this direction, writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 15, 2007
Sksharma